

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

IN RE: NAVIDEA BIOPHARMACEUTICALS  
LITIGATION

Case No: 1:19-cv-01578-VEC

ECF Case

**NOTICE OF MOTION OF PLAINTIFF/COUNTERCLAIM-DEFENDANT  
NAVIDEA BIOPHARMACEUTICALS, INC. AND THIRD-PARTY  
DEFENDANT MACROPHAGE THERAPEUTICS, INC.  
TO EXCLUDE EXPERT TESTIMONY OF TERRY L. ORR**

PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law, Declaration of Barry M. Kazan with exhibits annexed thereto, and all pleadings and proceedings previously held herein, the undersigned counsel for Plaintiff/Counterclaim-Defendant Navidea Biopharmaceuticals, Inc. (“Navidea”) and Third-Party Defendant Macrophage Therapeutics, Inc. (“Macrophage”) will move this Court before the Honorable Valerie E. Caproni at the United States Court House, 40 Foley Square, Courtroom 443, New York, N.Y. 10007 at a time and date to be set by the Court for an Order granting Navidea’s and Macrophage’s *Motion to Exclude the Expert Testimony of Terry L. Orr*, and for such other and further relief as the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that any opposing affidavits and answering memoranda of law must be served on or before March 4, 2022, and any reply affidavits and memoranda of law must be served on or before March 18, 2022 [Dkt. No. 251].

Date: February 4, 2022  
New York, New York

Respectfully submitted,

/s/ Barry Kazan

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